

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15606 of The Boarder Baby Project, Ltd., pursuant to 11 DCMR 3108.1, for special exceptions under Sections 303.2, 303.3 and 303.7 to establish a youth residential care home for six infants and two staff within a square which contains an existing community residential facility for five or more residents (597 Columbia Road, N.W.,) and within 500 feet of an existing community residential facility for five or more residents (608 Irving Street, N.W.,) in an R-4 District at premises 524 Irving Street, N.W., (Square 3051, Lot 824).

HEARING DATE: December 11, 1991 and February 12, 1992
DECISION DATE: February 12, 1992 (Bench Decision)

SUMMARY ORDER

The application was scheduled for the December 11, 1991 public hearing. At the December 11, 1991 hearing, the Board considered as a preliminary matter, a written request of the applicant to postpone the public hearing. The Board agreed to postpone the hearing and rescheduled the application for February 12, 1992.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1A and in proximity to ANC 1B. ANC 1A, which is automatically a party to the application, submitted a written statement dated February 11, 1992 in support of the application. This letter rescinded the ANC 1A letter of December 11, 1991 expressing opposition to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 303.2, 303.3 and 303.7. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that granting the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Map and

will not adversely affect the use of neighboring property in accordance with said Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be only for the purpose of providing transitional housing and care the babies born of and abandoned by drug-addicted and poverty-stricken mothers. No baby shall remain at the facility more than nine (9) months.
2. The facility shall operate 24 hours daily, seven days per week. The applicant shall maintain an apartment on the premises for a house mother or resident manager.
3. There shall be a maximum of six babies living at the site.
4. The babies' ages shall range from birth to two years. All babies must be certified by a hospital as being medically stable.
5. The applicant shall maintain a two to one, child to adult, ratio at the facility at all times.
6. The applicant shall maintain a two to one, child to adult, ratio at the facility at all times.
7. The applicant shall maintain at least one parking space at the rear of the site.


Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Paula L. Jewell, Sheri M. Pruitt, Angel F. Clarens, Tersh Boasberg and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15606
PAGE NO. 3

ATTESTED BY:



MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: MAR 2 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO. 15606

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated MAR 2 1992 has been mail postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

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The Boarder Baby Project
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Brenda Amoako
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Tedd Miller, Chairperson
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MADELIENE H. ROBINSON
Acting Director

DATE: MAR 2 1992